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The Building of the State

BY

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III. THE BUILDING OF THE STATE.

By William Columbus Ward,[1] Birmingham.

The beginning of a people is a prophecy of the future state. The foundation and superstructure of a state are made of the units of the people organized into a body politic. As is the foundation so will the superstructure be.

When Cadmus, at the fountain, killed the dragon guarding it, and sowed the ground with its teeth, which sprang up into armed men, smiting and killing each other, that was but the prophecy of the future Greece. In all her history, until subjugated by the Romans, the men of Greece were engaged in destroying each other. The one thing that saved, is that Cadmus carried letters to Greece and the foundation of Athens was laid in letters and her civilization and commerce filled the then known world, and her literature has influenced all succeeding ages.

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[1] William Columbus Ward, third child of David and Elizabeth C. A. (*Carleton*) Ward, was born on a farm near Six Mile, Bibb county, Ala., April 5, 1835. His paternal ancestors migrated from England and settled in southeast Virginia about 1700. His great-grandfather, John Ward, whose wife was a Daniel, and his grandfather, also named John Ward, and whose wife was a Lanier (to whom he is thought to have been married in S. C.) removed to South Carolina in 1775-1776, and settled in Edgefield district. They were both in the Revolutionary War. Returning from the battle of Savannah, the former was killed by Tories, and afterwards in battle the latter lost an eye. A great uncle, son of the first John Ward died of smallpox in the trenches around Savannah. David Ward was born in July, 1791, and after growing to manhood removed to Bibb county, Ala., and, in 1820, was joined by his father, John Ward. The Carletons are also English, and early settlers in Virginia, residing on the Mataponi river (in King George county). Robert Carleton, the most remote member of the family whose name is at hand, was the father of Lucy Carleton, who married her cousin, Henry Carleton, in Va., and about 1783 with his family removed to the Broad river in Wilkes county, Ga. Henry and Lucy Carleton were the parents of Henry Carleton, who married Christina Bohanan, the daughter of the latter being Mrs. E. C. A. Ward. Henry Carleton, Jr., after the death of his wife removed to Monroe county, Ga., and settled on the Towalaga river above its confluence with the Ocmulgee. Henry Carleton, Sr., was acccidentally killed by his brother-in-law, Robert Carleton, Jr., while they were deer hunting.

Mr. Ward was reared on a farm, and prepared for college in the county schools. In 1856 he entered the sophomore class, University of Alabama, and graduated in 1858 with the degree of A. B.; later he received the honorary degree of A. M. from his alma mater; and in 1892 Furman University, Greenville, S. C., conferred on him the honorary degree of

The unity of the Hebrews grew out of the patriarchal character of their origin, and their religious habits and religious literature formed under the guidance of Moses, have preserved the Jews as a people, and influenced and governed the religion of all Jehovah worshipping people since Israel crossed the Red Sea, dry shod.

Britain, subjugated by the Romans and left a prey to the vikings of the North Sea upon the withdrawal of the Roman armies, became subject in succession to the Anglo-Saxon, the Dane and the Norman. These hardy races made the foundation for the greatest empire that has ever existed, unequaled in laws, arms, letters and arts, and to-day wherever the English language is spoken, the power that had its origin in the people of the Norseland is felt and its influence is as wide as the world.

The New England of to-day is the product of Plymouth Rock; in the Virginia of to-day is seen the promise of the settlement at Jamestown in 1607, diminished it may be by the results of one of the most destructive wars that ever cursed the earth. So of the Carolinas, and so of Georgia; it may be said that what they are now is the outgrowth of the seed that was planted in their set-

doctor of laws. Immediately after graduation, 1858, he was elected to the chair of mathematics, logic and rhetoric at Howard College, Marion, where he remained until April 23, 1861. On that day he marched away with the Marion Light Infantry to Va. This organization became Co. G, 4th Alabama regiment, infantry. Mr. Ward was in the battle of Manassas and all the principal engagements of Virginia up to the battle of Gettysburg, where he was severely wounded, and lay on the battlefield thirty-five days. After his exchange he was transferred to the 62nd Ala. Regt., and became captain of Co. "A." With this command he was in the engagements at Chehaw, Spanish Fort and Blakeley, where with his regiment he was captured April 9, 1865. He was a prisoner at Ship Island until May 1, 1865. Returning home he prepared himself for the bar by private study; after admission was a few months in the office of Morgan and Lapsley at Selma as a student; began the practice in November, 1866, in Selma, where he continued until December 1, 1885, when he removed to Birmingham. At the latter point he has since resided, taking an active interest in education, politics and public affairs. From 1887 for two years he was general counsel for the Elyton Land Company, and has otherwise enjoyed a large and lucrative practice. Mr. Ward has often responded to demands for orations and addresses. At the celebration of the semi-centennial of Howard College in June, 1892, he delivered an address containing the history of the institution. In Feb., 1868, he married Alice Ann, daughter of Prof. Amos Bailey and Elvira Tubbs (*Patton*) Goodhue. The former was born in New Boston, N. H., and is the son of Joseph Goodhue, and the latter is the daughter of Hon. David Patton, of Hancock, N. H. Prof. Goodhue came to Claiborne, Ala., in 1845, where he taught a year; and he was then elected to a chair in Howard College. He remained in Marion until 1873. He died in Gadsden. Captain Ward is a Democrat and a member of the Baptist church. He has six living children. *See* Teeple and Smith's *History of Jefferson County, Ala.*, p. 355, for a brief sketch.—Editor.

tlement; and of Alabama it can be truly said that the people of to-day are the children of the men who in 1817 were organized into a territory and who in 1819 were moulded into a state. The civilization that came out of the early settlement of the State grew, expanded and strengthened till 1861, when it met with a check and a shock that diverted the channel in which it was flowing, and it has taken all the subsequent years for the people to return somewhat to the place filled at the beginning of that great struggle.

It is a singular fact that in the settlement made in America by the Latin races they rarely, if ever, left the sea-board or the navigable rivers. They built towns accessible to ocean commerce and depended upon trade with the aborigines in a large degree for subsistence. They did not attack the forests and the French did not make war on the Indians.

The men that made up Alabama as a State came from Tennessee and the Atlantic seaboard; they did not come to Alabama because they were poor or because they were refugees from justice; they were not criminals. The spirit of enterprise and conquest that has ever inspired men of the Anglo-Saxon race, caused the founders of Alabama to seek the fertile lands and the healthy mountains for larger breathing room. They wanted more land, larger plantations, larger ranges for stock and larger preserves for game, and to them there was nothing in the way except the presence of the Indians widely scattered over the large territory now comprised within the boundaries of the State. These pioneers came with their families, their property, their negroes, located their settlements, built their homes and cleared their farms. The State was at that time known as part of the Mississippi Territory, and had been a part of the domain of Georgia, and we know that laws already existed here. These men brought law with them and as soon as they were settled they became subordinate to the laws of the land, then embraced in the Mississippi Territory. The Anglo-American carries with him the common law wherever he goes. It has come to be a part of his brain and his nature. The people located at wide intervals in what they called settlements. They sought out the fertile land watered by springs and streams; reduced it to cultivation, and there made their homes, or they sought, in accordance with their ability, to subjugate the forests and river bottoms, the wide expanse of black phosphate lime soil,

known as the black prairies, covered with the best hardwood and an undergrowth of rich cane. They next cleared larger domains and bought more mules and negroes. They cared very little for towns and cities, and consequently towns and cities did not offer the best evidence of their growth and wealth. These planters furnished the lawyers and judges, the legislators and statesmen who engaged in the building of the State.

The presence of the Creek Indians in all central and southern Alabama did not keep back the hardy settlers. They came among the Indians with no hostile intent, though they knew the dangerous risks they incurred. They squatted on the best lands and were neighbors with the red men. Rapidly the territory filled with them, until the Indians decided there was not room for them and the white men, and then followed Burnt Corn, Fort Mims, the Canoe Fight, Talladega and the Horse-shoe. When in 1836 the Indians became convinced that the white men were too many for them, they consented to be removed. So it has ever been, and ever will be, the aboriginal races will disappear before the stranger; the weaker will fall beneath the blows of the stronger, and the mingled races of white men will possess the earth in subordination to law and order and the wealth that follows in the wake of civilization and commerce seeks repose and enjoyment. Wealth enjoyed in peace is succeeded by enervation and effeminacy and yields to the strong arm of lawlessness and rapine. It happens that wealth in its demands, its exactions and autocratic haughtiness brings its own ruin.

The white man soon became a law, not only to himself, but to the red men. A territorial government organized in 1817 was in 1819, because of the rapidly increasing population inflowing from surrounding States east and north, succeeded by a State government. Then began life in fact, which continued until interrupted by military usurpation in 1865, the nightmare in our political history.

THE CONSTITUTION OF 1819.

Nothing better illustrates the character of the men who laid the foundation of our political life than the first constitution framed for the government of the people of the State. No instrument ever conceived as an embodiment of organic law was more grave and dignified, more elevated in tone, more wise in its carefully

guarded restrictions for conserving the rights of the people; and yet more liberal in all the provisions looking to the education and elevation of its citizens. That instrument, as shown in the body thereof, was made for freemen, and free men were white men, for it declares "that all freemen, when they form a social compact, are equal in rights." That constitution, as it declares, was a social compact and under it the people of the new State had agreed to live together.

Their interpretation of constitutional law was the construction then given by a large majority of the people of the United States, and Alabama under that constitution was admitted into the Union. It did not then occur to any one that it was a "league with the devil and a covenant with hell." The declaration of rights would now make an excellent platform for a political party. Will the time ever come when people can return to first principles in government?

The constitution having been adopted and the State admitted into the family of States, its machinery of government was organized. It was duly provided that the territorial laws should continue in force, and that officers under the territorial government should hold office until succeeded by officers elected under the constitution. The first election was held on the third Monday in September, 1819, for governor, congressmen, members of the general assembly, clerks of the several courts and sheriffs of the respective counties. The territorial courts were continued until the general assembly convened and enacted laws. Under the constitution the judicial system provided was substantially what it is now, except that all judges were selected by the general assembly, and what is singular, even the language in which the provisions are expressed remains substantially the same.

JUDICIAL SYSTEM.

Whatever its defects, under the judicial system then provided under the constitution, there was created a jurisprudence, and there followed a collection of judicial decisions and expositions of organic and statute laws, and elucidations of the principles of common law, not surpassed and rarely equaled in the courts of the other States or of the United States. It is the pride of Alabama lawyers to know the high authority maintained by Alabama de-

cisions on all questions with the courts generally in this country and with law writers everywhere. There was something in the system that produced this, but there was more in the natures and characters of the judges and statesmen who laid so wisely the foundation. It may be vanity, it may be superstition; but there was something in the soil and atmosphere of Alabama that made men, who, like Minerva, sprang from the brain of nature, fully equipped, ready for the battle. But it is more nearly true to say that Alabama deserved the best and got it from the other States. No State offered so inviting a field to the brainy, educated and enterprising men of other States. The planters of small means came hither and grew rich cultivating the land; the merchant, having an eye to gain, grew rich because he had responsible and honest customers, and to the capable lawyers there was a harvest of good fees accruing to industry and skill. Out of these conditions it resulted that in large degree lawyers became the legislators and congressmen. There is one curious fact apparent in the early law reports of Alabama. From the cases cited in the reports, it will be seen that the early lawyers drew largely from Massachusetts, New York, Virginia, North Carolina and South Carolina, and the fact is that many of them were from those States and brought with them the best their States could produce. The older States drifted away from the purer sources of legal learning, but the young men trained in their early schools and courts impressed their characters, formed in the better days at home, on the institutions and people of Alabama, so that we acquired whatever was best without the deteriorating influences that have increasingly crept into the government and jurisprudence of the older States. No judicial system was ever so conservative as that of Alabama, until the sweeping ruin that came in with the reconstruction period. It may be said as the result of the work of the general assembly under that constitution and the decisions of the courts there grew up a body of laws evidenced by four separate compilations, Toulmin's, Aiken's and Clay's digest, each an improvement on the other, and finally the code of 1852, prepared by John J. Ormond, Arthur P. Bagby and George Goldthwaite. This was not only a compilation of the statutes, but it was a new code of statute laws. It is a monument of learning, a wonder of concise and perspicuous law English, and it has been the model

for all codes adopted by neighboring States. A learned judge of Georgia, one of the commissioners charged with the duty of preparing a code for that State, reported that in the work of the commission the code of 1852 had been used as a model, and that it was one of the most wonderful bodies of laws produced in modern times. It has been revised and revised, but the old lawyers remember it with regret.

In the judicial system of the State, the justice of the peace must not be forgotten. There were two in every precinct, served by one ministerial officer, the constable. They were men of influence and authority and of great respectability. As the people of the county only had one opportunity every six months to have their controversies settled in the circuit courts, the courts of the justice of the peace, exercising a civil jurisdiction and criminal to some extent, meeting at least once a month for the ordinary disputes of the neighborhood, served a great end. Generally the people abided by the decision of the squire, but when the question involved was principle or character, the litigation did not stop until the court of last resort had passed upon it. Sometimes a three-dollar calf would set a whole precinct together by the ears, and then came the tug of war. It is said that in a neighboring county such a suit involved several years in a protracted contest, the parties incurring costs to the amount of several hundred dollars. The judgment was for three dollars and each party was taxed with the cost created at his instance.

The justice was, however, a great man, and as honor and not money was the incentive, he, if capable, succeeded himself. The habit grew in some instances until sometimes the people forgot to hold an election for a successor. It is told of squire Jere Johnson, in Dallas county, that he had held office for more than thirty years and could scarcely remember his last election. In reconstruction days the carpetbaggers, however, stirred him out. He soon dropped into his old nest; the stealing was not good enough to endanger his place. The justices conspicuous for their good sense relied on Clay's digest, the code of 1852 and the session laws and in their sense of right and wrong. Every question was tried in the court of conscience. Lawyers were not popular with them, as a man learned in the law was supposed to be gifted in making the worse appear the better reason, and the squire did not

like to be mixed up in his notions of justice. A celebrated squire sat once in a neighboring county where the contest was over the hire of a laborer. The neighborhood gathered at the place of trial to hear the case. After all the evidence had been gathered from all the testimony of many witnesses, the squire gave judgment in favor of the plaintiff for $3. The plaintiff declared he would appeal to the circuit court. The squire indignantly inquired: "What! you appeal from my judgment?" The plantiff replied, "Yes, he would go where he could get justice." The squire answered, "There is no appeal from my court. Such a thing was never heard of." The unhappy plaintiff said the law gave him the right to appeal, and he was a free man and he would appeal. The squire immediately paid the judgment by laying the money on his docket. Upon further refusal, he arose from his judicial chair and gave the plaintiff a fearful drubbing, after which the plaintiff washed off the signs of battle, receipted the docket and went his way, a wiser man. The crowd applauded the wisdom and justice of the squire, and denounced the audacity of the plaintiff. The squire was a court of conscience, deciding cases according to equity as viewed by himself. The justice of the squire perhaps tended much to the growth of the prejudice against the lawyers. His time has, however, passed away. His office is now one of filthy lucre, and the criminal mill grinds out its rapid grist to the disgust of all good men.

Because it was necessary that the justice of the peace then so useful in the administration of the law should have forms for his guidance and be instructed in elementary law, there was prepared by Henry Hitchcock, attorney-general, *The Alabama Justice*, which was published in 1822 by William B. Allen at Cahaba, Ala. This is one of the best law books ever published in this State or elsewhere.

EDUCATION.

Connected with the judicial and legislative history of the State, influencing it and being influenced by it, was the educational system of the State. That education should be maintained was imbedded in the constitution of the State, and a solemn covenant was made by the State government with the Federal congress that the grants of land for the promotion of education should be ex-

clusively devoted to the purposes of the grant. As well as they might, with the light and experience of that day, the people undertook the performance of the trust. Lightly as the efforts of that day at education have been regarded, the township school did a great elementary and fundamental work. A great many children in those schools received the rudiments of an education which stimulated them to seek the academies for college preparation, and then the completion of the college course in the best colleges of the country, and they made scholars and thinkers in that day. There was toughness in the education of that day. The student had not much assistance. He was left in the colleges to work out his own salvation, and sometimes he was not saved. In the preparatory schools, the kindergarten was the music of the switch coming into rapid contact with the boy's home-made shirt. The effect of this self-education was to train the young in self-reliance. The State university was then the only state institution, but before the year 1840 the Baptists and Methodists had built seminaries of a high grade for the education of girls, and were followed very soon by the Presbyterians. For young men the Methodists and Baptists began to build and did successfully operate colleges at Florence, Marion, Talladega, Huntsville, Summerfield and Greensboro. The Methodists were particularly active in building and maintaining schools of a high order. During the decade following the year 1850 there was immense activity all along the lines of education. This was stimulated by a forward movement made by the State government. A system of public education was inaugurated and William F. Perry, a great educator of that day, was made superintendent of education for the State. The system had not fully developed in usefulness when the war between the States ended all progress in every direction.

There was one enterprise inaugurated in connection with the University of the State, and which was conducted by and under the direction of Prof. Michael Toumey, of the chair of mineralogy and geology, with the aid of assistants, that has resulted in incalculable benefit to the State, and more recently to the whole country and to the world. It is sufficient to mention Alabama coal and pig iron as in a large degree the outgrowth of the work commenced by Prof. Toumey and for thirty years conducted by Dr. E. A. Smith and under his direction, and then leave the dream

of the future to be worked out after this hour's task has been done. Deposits of iron ore and coal were known to exist, but who, fifty years ago, imagined that Alabama would at this time be the controlling factor in the iron markets of the world.

Of the other and further results of those surveys, of which reports were from time to time and are still given to the public, mention need not be made. It is sufficient to say that the manufacturing and commercial greatness of Alabama in the year 1900 is due to the foresight and wisdom and enterprise of the men of 1850-60. They are dead, and their tombs you may not find, but their works do follow after them.

AGRICULTURE.

A very large majority of the settlers came to the State to engage in agriculture. As rapidly as the government surveys were made and district land offices were opened, the farmers came to the State and located their settlements. Special inducements were offered to the settlers in the act admitting the State into the Union, under which the lands sold to the settlers were exempt from taxation by the State for five years. From the year 1820 to 1830 there was a vast inflowing of population. The State was everywhere covered by the native forests, and in many places the richest lands were densely covered by trees of enormous growth. The hardy settlers as bravely attacked the forests as they had attacked the Indians, and soon the mighty blows of the axe echoed through the vast wilds and the mighty trees made room for the plow and hoe, the avant-couriers of civilization. In this battle with the trees and the cane brake there were some rude and wasteful mistakes. In the cane brake region groves of the finest black walnut, pecan, white oak and cedar fell under the axe, were rolled into log heaps and burned into ashes, their loss to be lamented by the present occupants of the lands. Occasionally there can be found now in Hale, Perry and Marengo counties, negro cabins, barns and fences built of red cedar seventy years old. Like all their descendants, the pioneer farmers lived in the then present, and cared not for the future. The walnut, white oak and cedar were in the way of cotton and corn, and must give place to the promise of present profit. Everywhere a fierce, intense industry prevailed. Forests gave way to fields blossoming with bloom-

ing cotton and tasseling corn, and the hills were crowned with the cottages of the poor and the mansions of the rich. To this day can you recall anything more beautiful than vast fields joined to fields, covered by the ever red and white flowers of the sea-green cotton, anon rising and sinking in waves to the breezes? The cotton field became the madness of the planters. Saw mills and grist mills soon lent the hum of their progress to the industry of the farmer, and comfortable and hospitable homes filled the land. Cotton and woolen mills, though at first not profitable, began to appear and manufacturing towns began to spring up. A home market was easily found for their osnaburg and woolen products. We often hear of intelligent farming, and that the agriculture of that day was rude. This we do know, that the early farmers were prosperous under most adverse circumstances, while under the most favoring conditions, with railroads and markets everywhere at hand, and smoke houses in the great northwest, because meat can be raised more cheaply there than here, the modern farmers have failed, and their mortgaged farms have gone to swell the wealth of the money lender. Why? It must be that during the war the people were educated to have their meat and bread handed to them.

There are some features of rural life in early Alabama which must not be overlooked. They may, in some places, exist now, but if they do they are not often seen and never mentioned. The young men and maidens loved, courted and married in those days as they do now. They went to church and singing school on foot and on horseback, and, as it was called the boy kept company with the girl, and everybody knew what they meant. Soon a boy rode around the neighborhood with a lot of names, and it was a grievous offense to have a bridge made over one's nose. There was a wedding ceremony, a marriage feast, a dance, or singing and playing, and the next day an infair. Do you know what an infair was? The wedding feast still survives, but is the infair a thing of the past? Before the wedding the young man had located a settlement nearby; a cabin, a crib, a stable and a garden had been built, and a spring cleaned out or a well dug. In a few days the happy pair (and such pairs were always happy) moved into the new cabin. The father of the young wife had given her a cow and calf, and her careful mother had given her a good bed, with

abundant furnishings, and a spinning wheel. The young man's father had given him a good plow horse, a few hogs, a load of corn and an extra bed. An oven, a skillet and a pot furnished the cooking outfit; a plain pine table, a few plates, cups and saucers, knives and forks, and they were ready for the great work of life. Soon afterwards, one passing that way would see a milk strainer hanging on the wall by the front door, and just outside a bucket with a gourd in it, where the drinking water might be handy. Lying just before the front step was the yard dog, with his head between his front paws, dreaming of the home he had left and hunting in his dreams. To your loud halloa he rose and gave cry "to the honest watch dog's bark, baying deep-mouthed welcome home." The geese and chickens cackled and crowed in the front yard, and the sheep bleated in the nearby pasture. From inside the cabin came the song of the spinning wheel. In a few years, going the same way, the traveler would see, in addition to dog, geese, chickens, cows and sheep, several tow-headed children, shouting, clapping hands and playing. In the door there would be standing a woman somewhat faded, no longer with ribbon around her throat or hair combed smoothly back, showing roses, or tidily-fitting dress, but with neat apron in front, on which, from time to time, she would wipe her hands. Though appearances had changed, she and the children, and the husband in the nearby field, with shoulders stooped and hat slouched, were happy still, and would not, for all the joys of to-day, wipe out the happy past. The cabin was no longer single. It, too, had grown and multiplied with the family. The field had become a farm and the horse path a deep furrowed wagon road. And so the land filled and prospered. The people labored, fished, hunted and had their frolics, and experienced that "there was fun in the country as well as the town."

Later on we may look in upon another scene. The State had grown and the people had become wealthy. The man who came in a covered wagon, bringing his wife and children, with a few slaves and cattle, to the settlement previously located, had overcome the forest, and was now able to sit on his broad piazza and look out upon his wide domain, from which the song of the plowman came back, and speculate as to the future of the estate when he was gathered to mother earth. From the parlor there came

the sound of piano and song, and the hum of happy voices of wife and daughters, educated in the female seminary where all the then known accomplishments were taught. And they made women in that day—glorious women, who were ornaments to motherhood and blessed mankind. Here, too, the youths and maidens, after a different sort, courted, flirted, loved and married. In that season of the year after the abundant crops were gathered and marketed, the planters, their wives, young men and daughters, gave themselves over to rejoicing. All had their carriages and horses, drivers and outriders, and they went from plantation to plantation, and days and nights were made up of music, dancing and love making. These all ended as such will ever end, in love and marriage, and the marriage feasts, and in those days followed by the invariable infair at the home of the groom's parents. The newly-married were given a farm, and each parent gave a quota of negroes, so that the young people never knew the hardships of beginning life as in the pioneer days.

Well, what of all that rude wealth and elegance built on slave labor? Shall we say let the memory of it rot? Since it did exist, why not let the memory of it perish? Never! The grandest, proudest, purest period in the history of this country and of human liberty existed when slavery was most to be seen and most greatly flourished. It is not denied that there were great and regrettable evils as its outgrowth, but they were being corrected, and but for evil and interfering fanatical agitation by people who knew nothing of what they denounced, would have been corrected, without the terrible consequences of its violent uprooting. Whatever may now be said of negro slavery, the right of it or the wrong of it, it is doubtful if the great forests covering the fertile lands of Alabama, without the aid of negro slave labor, could have been cleared away. Free negro labor would have fled from them as slaves often fled to them. Montesquieu, the great French philosopher, the author of the "Spirit of the Laws," said slave labor was absolutely necessary to bring the forests of a new country into subjection to agriculture. However many may be inclined to apologize for negro slavery, the negroes, black and humble though they were, performed a most noteworthy service in the work of building the State. In a large degree they created the wealth of the State, and were the wealth of the State. Without

negro slavery some of the strongest and most peculiar characteristics of Southern statesmanship and manhood could not have been. The authority and executive capacity of the men were due, in a large degree, to slavery. It created a dominant class and made and maintained the Southern aristocracy. It was a transference of the feudal system of Europe to the South. It was so eminently respectable that one of the strongest aspirations of the intelligent, hard-working poor man was to become a slave owner, so that after the field, the cabin, his next purchase was a negro, and then followed more negroes, and the plantation. The negro shared the respectability as well as the name of the master, and one has never been known to surrender that enjoyment. So great and powerful was this influence that the educated and enterprising man of New England, as soon as he could after he had shed his peddler's wagon and clocks, became the owner of a negro cook and house servant. He made this sacrifice to respectability.

Of the patriarchal life of the planter and his family with the negroes on the plantation, the very best thing ever written was by Miss Betty Lou Clarke, the daughter of Dr. Richard Clarke, an old Fourth Alabama regiment captain, of Uniontown, this State, where she was born and reared. Only a short time before "Diddie, Dumps, and Tot" was published she married a Georgia man, and so, losing her identity, seems to have passed out of mind.[2]

The negro furnished a safe and profitable investment for all classes, and in this way unconsciously became a most important factor in building the State.

For the last thirty-five years his influence has tended to degrade both the white man and himself.

TOWN BUILDING.

As a part of the building of the State the creation and growth of towns was a little peculiar. One can readily understand that many towns as commercial centers came naturally into existence and grew into form, but many of them were established by the general assembly. When a county was formed, in order to suit the convenience of the people, a central point, otherwise unobjectionable, was selected and there public buildings were erected. This

[2] This little volume, the alternative title of which is "Plantation Child-Life," was first published in 1882. Its author, Mrs. Louise Clarke-Pyrnelle, is now (1904) a resident of Birmingham.

was the case with Bibb Old Courthouse, about six miles west of the town of Randolph, where the ruins of the courthouse and jail remained a few years since, and there perhaps the tavern still stands where Noah B. Coker, Esq., a justice of the peace, generously dispensed justice, peach and honey, and where one could have the best hot chicken pie that ever greeted nostril or palate. The legislature of the Mississippi Territory in 1809 appointed a commission of distinguished citizens to buy thirty acres of land which, after reserving three acres for a court house square and public buildings, they were to lay off into half-acre lots and sell on a credit of twelve months. The town so ordered to be bought and laid off was to be called Twickenham. Who would have thought that in that day of red men, bears and panthers any one could have been found who had read Pope? This town was bought, laid off and in 1811 was by the same legislature named Huntsville. The town was most wisely located in one of the most beautiful valleys of America, in the center of lands unsurpassed in fertility and around the finest spring in the world; and it may be that great as Huntsville is, if it had retained the name of Twickenham it might have been the greatest inland city of America. Commissioners were appointed to lay off Cahaba, Selma, Ashville and other towns. Some of the people were of too practical a turn to consult the general assembly or the convenience of the people in their public matters, but built on the navigable streams whose waters then furnished rude transportation for commerce. Boats, constructed for that purpose, slowly conveyed merchandise up and down the rivers, discharging and receiving freight. In many cases the legislature simply declared that the town by a certain name was established. Strange to say that towns thus established still stand. Most of the towns resulted from being selected as county seats. They were as large as the demands of the people required, and some of them were fully grown fifty years ago. When the hoarse cough of the steamboat began to be heard on the navigable rivers and cotton became a factor in the world's commerce, the towns along such rivers grew rapidly and became commercial centers for farmers from the far interior to bring to market their cotton crops. Town building and river commerce soon resulted in efforts at railroad building. This was slow work, and at first awkwardly done, but grew rapidly, so that during the

war the armies could be rapidly transferred from one vital point to another. It will thus be seen that the recent habit of town building is not original. Men so long ago were quick to see the advantages of location for manufacturing and commerce. This was notably the case with the town of Bainbridge, near which Sheffield stands. In third Yerger's Tennessee Reports the litigation in Donelson vs. Weakley, grew out of a sale of town lots, boomed so extravagantly that the court said that the boomer must not take any advantage from his booming.

These towns were centers of education, and according to wealth and prosperity and population, centers of culture and refinement. Some of these, like Tuscaloosa, Huntsville, Marion, Greensboro and Tuskegee, were especially distinguished as places of education and refined culture. The people of Alabama have not rapidly left their farms to live in the towns and cities as they have in the Northern States. In New England manufactures have prospered at the expense of agriculture. One passes through rural New England with a feeling of disappointment. Farming is only truck gardening. The farmers have moved to town. The women preferred to work in the factories, to milking cows, to pickling and preserving. As we get away from our past, this will be the case with Alabama. The women will go to town and starve as seamstresses and saleswomen, because they cannot bear the loneliness of the country.

THE MILITIA.

A militia organization grew out of the perilous times of the early settlement. The Indians were here and nearly always on the war path. Then the English and the Spaniards were threatening and there was more or less lawlessness. In every precinct all men over eighteen and under forty-five years of age were compelled to muster certain days in the year. They were formed into companies, with captain, two lieutenants, and the usual number of non-commissioned officers. Each county had its regimental organization with a colonel, the usual regimental and staff officers. Every year there was a grand county muster at the county seat. These general musters were great occasions. Sometimes they were held on the fourth of July, and a barbecue was often the temptation to make a full muster. There was music by the drum and fife and the shrill notes of "Yankee Doodle" charmed the variegated

soldiers. The candidates were there. Hence grew mightily the colonels, and every county claimed its chieftains by the score. There were brigade and major generals. The military spirit was always strong in the people and was quickened at all times by recitals of the soldiers of the Revolution, the War of 1812, and more recently by the grand achievements of the Mexican War. There was never a time when the masses did not hail with delight the prospects of a war. Truly the citizen soldiery was the bulwark of the State.

THE HUSTINGS.

The fervid patriotism of the people was always kept at a white heat by the free and full discussion of all political questions on the stump by the ablest orators. The people were for a half century almost equally divided between two great political parties, the constituents of which were equally honest, intelligent and patriotic, and the leaders were fearless and wide awake in the exposure of the weakness and wickedness of their opponents. A man with a ragged reputation did not dare to appear as a candidate, for there were always those whose party loyalty was too lax to make them vote for a bad man. The only hope for the weaker for success was to put up the very best man to be had. There was no such thing as a party nomination to be had by fraud, trickery or sleight-of-hand means, and purchasing votes in a political convention insured defeat. It was not possible to win an election at the polls by ballot box fraud. Election frauds were unhesitatingly exposed and election contests disgraced the men elected by fraud. The man who lived in that period of State building sighs in vain for the days that return no more forever. Political corruption simply did not exist. The contests on the stump were occasions of great oratorical display. The speakers of the opposing parties arranged the campaign beforehand and also to divide time, each giving the other an equal chance to win popular favor. It was wonderful what an influence fairness had. The fact that the Whigs nominated their ablest man made it necessary for the Democrats to compel their mightiest champions into the political battle. The ability and integrity of the champions were the boasts of the contending parties and no man ever felt that there was occasion for him to vote for an inferior nominee. As a result there were giants in those days. Wherever integrity and ability were

required, the people sought out the man and compelled him into the public service. How different it is now. In this State there are not now two great political parties of equal merit, commanding the loyalty of their members. Opposing candidates of equal and great ability no longer challenge the support of the electors or meet on the stump. However the nomination may be obtained or by whom, the threat of negro domination compels the party support of the nominee. The presence of the negro in politics is corrupting and produces ills from which there appears to be no possible deliverance. To an American, the greatest of all dangers is the corrupt ballot box. Men of Alabama, address yourselves to the remedy. The saddest reflection that ever comes to the patriot is that the ballot is no longer a guarantee of freedom and liberty and honesty in the public administration. More dishonesty in public affairs is unearthed in one year now than existed in sixty years in building the State. What is the remedy?

THE STATE BUILDED.

Thus has been traced in your hearing the building of the State. It was a grand, glorious, beautiful structure. It was the vision of the prophet materialized; the dream of the statesman, a realized fact, an awakening. Peace reigned in the land and home, and plenty filled the barns. The laws were justly administered and order everywhere prevailed. Such a thing as riots were unknown. Crime was abhorred, condemned and punished. Alabama, my mother, O Alabama! "Glorious as the sun, beautiful as the moon and terrible as an army with banners." Terrible, indeed, to her foes, for when the tocsin of war sounded and the drum beat rolled through the land, calling to arms, glorious old mother, she sent 120,000 of her sons to the field, one-tenth of her entire population, white and black and never one disgraced the bosom that nursed him. Glorious as was this structure, the product of more than sixty years in building, it was destroyed by the madness of an hour. It will be for another groping among the ruins to tell the story of the rebuilding. But mark the prophecy! However grand the State that rises out of the ashes of the ruins of 1861 to 1875, she will ever bear traces of the scars received in dragging through the mire of reconstruction and the revengeful national legislation following the war.

And now, what shall be done to make and complete the record of the building? In the fearful struggle through which the people have labored and in the passing away of the men who had a part in this building, the materials, *disjecta membra,* had well nigh perished. Unfortunately no tombs or monuments were built bearing the tales that were told by one to another that some "Old Mortality" in future years, with chisel in hand, might decipher. A few however, at their own charges have given themselves to the labor of rescuing the deeds of the mighty dead from perishing. Most notably the secretary of this Society, and here and there sons and daughters who have gone to distant States, have labored, saying "Lest they be forgot."

TO WHAT END THIS LABOR?

The boys and girls of to-day will be the men and women to help in the building of the future State. If Alabama has no history, there will be no memory of a glorious past to beckon to a more glorious future. A State founded in sordid meanness will bring forth only Dead Sea fruit to crumble to ashes in the touch. If there is one thing powerful enough to rescue a man from meanness and obscurity it is the memory of a glorious ancestry. To make heroes there must have been heroes to remember, and if there be no memories of heroes in song or story, then, however glorious the past, there must be an ignoble future. We modern Christians feel a pity for those ancient people who preserved in their homes statuettes of dead ancestors and urns in which were kept the ashes of their heroes. Idle worship you say, and idolatry. The Lord then forgive us such idolatry, for we must needs worship the deeds of the dead fathers and emulate the great immortal souls that fired their beings while living. All men and things must have an ancestry; the coward, the ignoble, theirs; the brave, the good, the magnanimous and wise, theirs. Blood will tell. Yes, but send it through the being with a hot thrill.

Recently a bright young school teacher said: "When I talk to my little scholars about some far-away land, full of story and incident, they listen with eager attention, but when I tell them of Alabama, they become dull and listless." Suppose the teacher had told her scholars of the wild war whoop that rang out over doomed and blood-stained Fort Mims, or of the terrible struggle of the

canoe fight, or of the death grapple in horrible Horseshoe Bend, or of the flight of brave Bill Weatherford as he escaped, leaping his horse from the river bank into the dark flowing water of the Alabama below. Or of the more recent and never to be forgotten deeds of Alabamians that ought to be preserved in marble and bronze, song and story. Think you the children would have been listless? How shall these things be preserved? Let the decree go forth that in all the schools and colleges the history of Alabama be taught. To this end let the chronicler be named, the story of the sovereign State be told, and the expenses be paid out of the public treasury. Let it be said, to the honor of the present State administration and general assembly, that something has been done to rescue the perishing and gather up the fragments, lest all be lost.

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